

Notice of Allowability

Application No.

10/072,511

Examiner

Krystyna Suchecki

Applicant(s)

YUN ET AL.

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment as Remarks filed 12/11/03.
2. ☒ The allowed claim(s) is/are 1-3, 5 and 7-23.
3. ☒ The drawings filed on 11 December 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. Authorization for this examiner's amendment was given in a telephone interview with Tom Van Zandt on 03/06/04.

3. The application has been amended as follows:

4. In Claim 1, replace line 6 as follows:

--generator and the damper, the damper having a planar proximal surface relative to the wave generator,--

5. Replace Claim 14 as follows:

--14. The acousto-optic filter of claim 13 wherein the optical fiber passes through a portion of the proximal surface and the portion of the proximal surface through which the optical fiber passes is slanted at a smaller angle than either a portion of the proximal surface above the optical fiber or a portion of the proximal surface below the optical fiber.--

6. In Claim 15, replace line 7 as follows:

--a plurality of planar surfaces, the planar surfaces continuously slanted relative to a longitudinal axis of the--

7. In claim 21, replace line 6 as follows:

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--length, the damper having a first planar surface continuously slanted relative to a longitudinal axis of--

8. In claim 22, at line 5, delete "with" and insert therein --at--.

Allowable Subject Matter

9. Claims 1-3, 5 and 7-23 are allowed.

10. The following is an examiner's statement of reasons for allowance: Claims 1, 15 and 21 contain allowable subject matter for at least the reason that the prior art of record fails to teach or reasonably suggest an acousto-optic tunable filter, or method of filtering light, comprising a damper having a planar proximal surface arranged continuously slanted relative to an optical fiber as claimed. While similar filters are known in the art to have interaction lengths and dampers relative to a wave-generator, prior art dampers teach generally conical dampers (Kim, US 6,266,462), or, where planar dampers are taught, they are perpendicular (Engan, US 5,022,732 or Kim, 4,915,468). Claim 22 remains allowable for teaching a method of filtering light comprising the two reflecting steps and associated canceling as is claimed. While art such as Kim (US 6,266,462) has two reflecting areas, one on the heat sink and another on the damper, the reflecting areas are not arranged so as to interact as claimed by Applicant.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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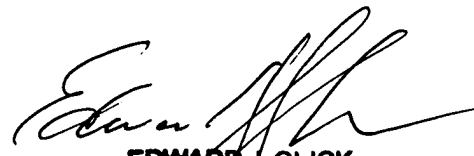
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krystyna Suchecki whose telephone number is (571) 272-2495.

The examiner can normally be reached on M-F 9-6, with alternating Fridays off.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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EDWARD J. GLICK
SUPERVISORY PATENT EXAMINER